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DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase Number: 02-02277
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: State of Idaho,
Department of Lands
Address: 300 N. 6th St.
P. O. Box 83720
Boise, Idaho 83720-0050
Daytime Phone: (208) 334-0200

Name and Address of Attorney, if any:

Attorney Name: LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER (ISB # 2597)
Deputy Attorney General
Attorney Address: Office of the Attorney General
JRW Building, Second Floor
700 West State Street
P.O. Box 44449
Boise, ID 83711-4449
Attorney Phone No. (208) 334-2400

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: BERTHA F. MILLER
Address: 1810 E GREENHURST RD
NAMPA ID 83686

W LA VERN MILLER
1810 E GREENHURST RD
NAMPA ID 83686

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**

Should be: State of Idaho, Department of Lands, 300 N. 6th St., P. O. Box 83720, Boise, ID 83720-0050 should be added as a joint owner of the water right for that portion of the place of use owned by the State of Idaho, Department of Lands, hereinafter the "IDL," which the claimant has under lease.

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: Not applicable

7. ☐ **Purpose of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: There are three classes of land within the place of use. First, the claimant has leased thirty acres of the place of use from the IDL. Attachment I, which is incorporated by reference, outlines the leased

acreage with a green line marked with the designation "C6308.". Second, the claimant irrigates additional land in section 27, Twp. 05 S, Rge. 06 E, which constitutes a trespass by claimant. The trespass land is shown on Attachment I with a yellow hatching north of the leased land. Third, the claimant irrigates private land with this water right.

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The claimant and the State of Idaho, State Board of Land Commissioners, executed State Land Lease, Lease No. C-6308, hereinafter referred to as "Lease No. C-6308," for a term from January 1, 2005 through December 31, 2014. Paragraph 9.2 of Lease No. C-6308 states, in part, as follows:

9.2 Water Use Generally. Lessee shall be entitled to use the water on the leased land, but only for the use allowed in this Lease and only insofar as permitted under Idaho water law.

In accordance with paragraph 9.2, the IDL proposes that the water right be split. With respect to the leased land, this land should be split into a separate water right with the IDL designated as a joint claimant. The following remark should be added to this separate water right: "The ownership of water right no. 02-0277 is governed by a private agreement executed by the Idaho Department of Lands and W La Vern & Bertha F. Miller." Second, since the claimant's irrigation of the remaining land in section 27 constitutes a trespass, this land should be deleted from the place of use. The irrigation by the claimant of the remaining private land should be described in a separate water right.

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F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

DAVID J. BARBER, Deputy Attorney General, duly sworn, upon oath, deposes and says:

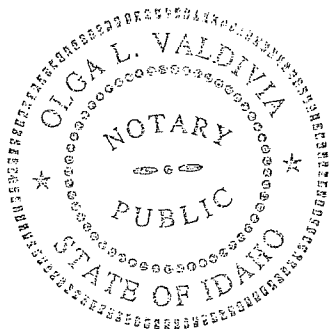
That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Lands, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER
Deputy Attorney General



By Attorney signing in representative capacity

Subscribed and sworn to before me on: December 3, 2007
(Insert Date)



Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 2/8/2012

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

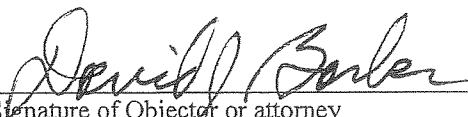
G. CERTIFICATE OF MAILING

I certify that on December 3, 2007 I caused the original and the copies of this objection, including all attachments, to be served on the following persons by the method designated:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
HAND DELIVERY
2. One copy to the owner of the water right at the following address:
Bertha F. Miller
1810 E Greenhurst Rd.
Nampa ID 83686
U.S. MAIL
W. La Vern Miller
1810 E Greenhurst Rd.
Nampa ID 83686
3. Copies to:
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098
STATEHOUSE MAIL
State of Idaho
Department of Lands
300 N. 6th St.
Boise, Idaho 83720-0050
STATEHOUSE MAIL
State of Idaho
Department of Lands
Southwestern Idaho Supervisory Area
8355 W. State. St.
Boise, ID 83703
STATEHOUSE MAIL
United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724
U.S. MAIL

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

(not applicable)



Signature of Objector or attorney
Mailing on Objector's behalf

